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State of South Carolina

State Ethics Commission

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May-July 1997

NEWSLETTER

97-004

Deadline passes for filing Campaign Disclosure Forms

If you are a candidate for public office or you have an active campaign checking/savings account, your Campaign Disclosure Form was due before July 10. Campaign Disclosure Forms are due quarterly, within 10 days after spending or receiving the initial \$500 (aggregate) of the campaign, and within 15 days before the election. If you have not filed, and need a Campaign Disclosure Form, please call this office.

Frequently asked questions...

In the past 2 newsletters, we addressed the most frequently asked questions about Campaign Disclosure Forms and Statement of Economic Interests Forms, respectively. This issue will answer the most frequently

asked questions regarding **Lobbyists and Lobbyist's Principal Registrations and Disclosures.** If you have further questions, please call the Commission office.

Q. When are the registration forms due?

A. ■ Before January 5 of each calendar year; ■ Within 15 days after hiring, employing, or retaining a lobbyist, or within 15 days after being hired, employed, or retained as a lobbyist. Registrations are for a calendar year.

Q. Who is a lobbyist?

A. Any person who is employed, appointed, or retained, with or without compensation, by another person to influence, by direct communication, public officials or public employees.

Q. When are the disclosure forms due?

A. ■ April 10, covering the period of January 1 - March 31, ■ October 10, covering the period of April 1 - September 30, ■ December 31, if there is

any further lobbying activity after September 30.

Q. How do I terminate my status as a lobbyist?

A. You must write to the Commission indicating that you will no longer be employed as a lobbyist. A disclosure form is due covering any unreported activity.

Q. Is there a fee for registering as a lobbyist or lobbyist's principal?

A. All lobbyists must submit a separate registration form and pay \$50 for each entity they will be representing. A lobbyist's principal also pays \$50 which covers all lobbyists hired or retained to represent the organization.

Q. If I terminate my status, am I allowed to reregister within the same calendar year?

A. You may reregister at any time throughout the calendar year, but you must pay another \$50 registration fee for each entity you are registering to represent.

Training sessions available

We will begin offering training sessions on the dates listed below. There will also be additional training sessions to be announced in future newsletters. Each training session is specialized for lobbyists/lobbyist's principals and for public employees and candidates for public office. In the training sessions, we will discuss the Ethics law and any forms required to be submitted as a public employee, candidate for public office, or as a registered lobbyist/lobbyist's principal. The sessions are from 9:00am - 12:00noon. If you are interested in attending any of the scheduled sessions, please call Hannah King to register. There is no registration fee. We must have at least 15 registered per session.

August 22.....Public Employee
September 8....Candidates
22....Public Employee
October 6.....Candidates
24.....Public Employee

New regulations adopted by agency

Pursuant to the S.C. Administrative Procedures Act, the State Ethics Commission adopted final regulations effective June 27, 1997. Regulations appearing at S.C. Code Regulations 52-1.1 through 52-10.1 are repealed

and S.C. Code Regulations 52-101 through 52-1001 are adopted governing matters pending and filed after June 27, 1997.

The regulations are instructive with regard to obtaining formal and informal advisory opinions, filing Statement of Economic Interests and Campaign Disclosure Forms, contested case procedures and appeals, blind trusts and a variety of definitions. Regulations pertaining to filing formalities, filing dates assigned to facsimiles, and hand delivered documents accompanied by an affidavit of service have also been revised.

The regulations are available on the World Wide Web at the address below or by writing the Commission and requesting a copy. There is no charge for copies.

<http://www.lpittr.state.sc.us>

Calendar of events. . .

September

1.....Labor Day Holiday

October

10.....Quarterly Campaign Disclosure Forms Due

10.....Lobbyist/Lobbyist's Principal Disclosure Forms Due

Complaints resolved

On May 19, 1997 the Commission issued a Consent Order in response to a complaint

filed against the Mayor of Hilton Head Island, Thomas D. Peeples. The complaint was filed by Hilton Head Island resident, Herbert P. Wiedemann.

After an investigation, the Commission charged Mr. Peeples with one count of accepting excess campaign contributions, two counts of failing to properly identify the candidate's name and address on communications to voters, and three counts of failing to disclose in-kind contributions and expenditures on disclosure reports to the Commission.

Mr. Peeples was issued a Public Reprimand, ordered to return \$1336.11 in excess contributions, and fined \$400.00.

On June 5, 1997 the Commission issued a Decision and Order charging former Georgetown City Councilman Samuel M. Bonds with one violation of failing to disclose income on Statement of Economic Interests Forms from 1992 through 1995.

A complaint was filed by former Georgetown Police Chief Roger C. Haddix, alleging several violations. An investigation by the State Ethics Commission and the State Law Enforcement Division revealed that Mr. Bonds owned several rental properties which qualified as low income housing and for which he received housing assistance payments from the Georgetown Housing Authority. This income was not reported on Statement of Economic Interests Forms filed with the Commission

during 1992 through 1995.

On May 6, 1997, Mr. Bonds amended his filings with the Commission to include the Housing Authority payments. As a result of the corrective action taken, the Commission waived all further proceedings. All other allegations were dismissed.

On July 15, 1997 the Commission issued a Consent Order in a complaint filed by the Commission against William M. "Pot" Lindsay, a former member of Spartanburg City Council.

After an investigation, the Commission charged Mr. Lindsay with one count of using City supplies and personnel in his 1995 re-election campaign, one count of using the City Council Chambers to film two re-election videos, two counts of submitting travel reimbursement requests for five trips to Greenville, SC for travel which was not directly related to a public purpose, and four counts of failing to disclose salary and benefits on Statements of Economic Interests filed with the Commission in 1992, 1993, 1994, and 1995.

Mr. Lindsay admitted the violations, was publicly reprimanded, fined \$600.00, \$200.00 suspended, and ordered to reimburse the City of Spartanburg \$116.03.

On July 16, 1997 Christopher D. Nisbet, a candidate for Dorchester County Coroner, was fined \$200.00, and Publicly Reprimanded for

making cash campaign expenditures in excess of \$25.00, and failing to disclose the full names and addresses of persons to whom expenditures were made.

An investigation by the State Law Enforcement Division revealed that Mr. Nisbet stated that he gave \$2250.00 cash to Ms. Regina Baxter for distribution to campaign workers. On a Campaign Disclosure Form received by the State Ethics Commission on July 23, 1996, Mr. Nisbet disclosed an expenditure to Ms. Baxter in the amount of \$2050.00.

In addition, Mr. Nisbet was ordered to file an amended Campaign Disclosure Form listing the names and addresses of all campaign workers who received payments.

On July 16, 1997 Jeffrey A. Rogers, a candidate for Dorchester County Sheriff, was fined \$300.00, and Publicly Reprimanded for making cash campaign expenditures in excess of \$25.00, failing to disclose the full names and addresses of persons to whom expenditures were made, and using campaign funds to make expenditures on behalf of another candidate.

An investigation by the State Law Enforcement Division revealed that Mr. Rogers distributed \$3800.00 cash to Ms. Regina Baxter for distribution to campaign workers, a portion of which was on behalf of Christopher D. Nisbet, a candidate for Dorchester County

Coroner. A second cash expenditure in the amount of \$1075.00 was made to Mr. Charles Jackie Walters. On a Campaign Disclosure Form received by the State Ethics Commission on July 23, 1996, Mr. Rogers disclosed an expenditure to Ms. Baxter in the amount of \$3800.00, and an expenditure of \$1075.00 to Mr. Walters. The \$1075.00 was later returned to Mr. Rogers, and disclosed on a Campaign Disclosure Form received October 9, 1996.

In addition, Mr. Rogers was ordered to file an amended Campaign Disclosure Form listing the names and addresses of all campaign workers who received payments.

At its July 16, 1997 meeting, the Commission dismissed a complaint filed by Gaffney resident, Teresa Peeler Pearson, against Lieutenant Governor Robert L. Peeler. According to the complainant, the Lieutenant Governor used his position to influence the outcome of an automobile accident investigation by the Gaffney Police Department.

An investigation by the State Ethics Commission revealed that the Lieutenant Governor's daughter was involved in an accident with Ms. Pearson. An initial accident report indicated that Miss Peeler contributed to the accident; however, a subsequent report issued after a complete investigation, indicated that Ms.

Pearson contributed to the accident. Neither driver was charged.

The Lieutenant Governor stated that he spoke to the investigating officer, but only as a concerned parent. There was no evidence to support the allegations, or to indicate that the Lieutenant governor asked for or received any special treatment.

Also at its July 16, 1997 meeting, the Commission dismissed a complaint against former Lexington County RMC, JoAnne B. Tribble. The Complaint filed by Kenneth E. Love of Lexington alleged that Ms. Tribble used county time, county property and county equipment to campaign for the election of RMC candidate, Debra Gunter.

Ms. Tribble did not run

for re-election, and supported Debra Gunter as her replacement. An investigation conducted by the State Ethics Commission found no evidence to support the allegations.

Copies of Orders in the above matters may be obtained by contacting the Commission office.

WHAT WOULD YOU DO. . . ?

Q. You are the procurement manager for a state agency. It is your responsibility to assess the bids and award contracts to the lowest bidder. One of the contractors, however, has offered you a position with their company. If you accept this

position, you would be responsible for submitting bids for contracts to the agency from which you would resign. Can you accept the position with the contractor?

A. Yes, however Section 8-13-760 advises that it is a breach of ethical standards when you accept a position with a company contracting with the governmental agency if the contract would fall under your official responsibilities within the government agency.

Also, any contract in which you were involved to that contractor must have been awarded more than one year prior to the job offer.

State Ethics Commission

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